

Message

From: Lavaty, Ann [Lavaty.Ann@epa.gov]
Sent: 8/21/2020 6:05:13 PM
To: Gordon, Lisa Perras [Gordon.Lisa-Perras@epa.gov]
Subject: RE: Help? R4 in a quandry.

That change to the narrative appears to me to be substantive. Nonsubstantive changes include housekeeping items such as renumbering, spelling out acronyms, etc., but the text doesn't change.

From: Gordon, Lisa Perras <Gordon.Lisa-Perras@epa.gov>
Sent: Friday, August 21, 2020 12:37 PM
To: Lavaty, Ann <Lavaty.Ann@epa.gov>
Subject: Help? R4 in a quandry.

Hey Ann,

I have a question about something that I wanted to get your thoughts on and would so appreciate any help you can give. I'm reaching out to you, Russell, Dave and a couple of other Regions first, but might send it out to all at some point.

We are All Hands on Deck trying to make it through the year right now. We have a couple of standards actions where senior managers/political appointees are contemplating not going with the WQS staff recommendation. For one of our reviews, we are recommending disapproval of a change to a narrative – very simply because they did not send supporting documentation, which we've done before under this Administration. A narrative provision is being changed to add the adjective, "unreasonably" before the words, "interfere with uses." We said it adds an additional layer of review. (Before you could not interfere, now it allow interference as long as it's not unreasonable.) We asked what they considered to be unreasonable interference and the state said it was just an editorial change so they didn't have to send any supporting documents. We asked again in writing and they said the same.

Typically, in Region 4 – we only considered changes to be editorial to be things like renumbering (a post-Alaska Rule "making sure the books match for what's in effect for CWA purposes".) I've been asked to check if other Regions call things editorial that are more than things like renumbering, or spelling out acronyms. (We actually compiled a list of everything we've ever called editorial if that would help.) Can you tell me what you have considered as non-substantive, editorial changes? Erica says that HQ can defer to the Regions since there's not national policy, which is great. But, my management wants to know what everyone else is doing. Thanks in advance! So grateful for any help. I don't need specific examples, really, just your approach. Lisa G.

Lisa Perras Gordon

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